IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 11556 of 2004

Between:
Gurrala Muni Reddy, S/o Muni Reddy,
R/o Narayanapalli Village, Edamadaka Post, Dunoor Mandal, Cuddapah District

..... PETITIONER

AND

1 State of A.P. through District Collector, Kurnool District
2 Deputy Superintendent of Police, Allagadda Police Station, Kurnool District
3 Mandal Revenue Officer, Chagalamarri Mandal, Kurnool District
4 Annavaram Pedda Obanna @ Sunder Rao, S/o Obanna @ Yohan, R/o 5/27, ghanapuram Village, Chagalamarri Mandal, Peddavangali Post, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass a Writ of Mandamus or like any other appropriate and suitable writs declaring the action of the respondents 1 to 3 about not making enquiry and considering the representation of the writ petitioner dated 25-6-2004 regarding the complaint whether the 4th respondent belongs to ST and SC community and whether he is playing fraud by describing himself as Annavaram Sunder Rao son of A. Yohan in the church and Annavaram Pedda Obanna son of Obanna in public for getting double benefits as illegal, arbitrary and be please to pass such other order or orders as are deemed fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.BANKATLAL MANDHANI

Counsel for Respondents 1 to 3: GP FOR REVENUE

Counsel for Respondent No.4: --

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. Both have expressed no objection for disposal of the writ petition at the admission stage.

Since there were disputes between the petitioner and the fourth respondent, on the complaint made by the fourth respondent before the Chagalamarri Police Station, the Sub-Inspector of Police Chagalamarri registered F.I.R No.57/2004 dated 19-6-2004 against the petitioner for the offences under Sections 147, 148, 324, 307 read with Section 149 IPC and Sections 3(1)(ii), 3(1)(x) and 3(2)(v) of SC, ST (Prevention of Atrocities) Act (for short 'the Act'). On the same day, the petitioner made a complaint against the fourth respondent before the same police station and the same was registered as F.I.R.No.58/2004 under Section 307 IPC.

Learned counsel for the petitioner contends that the fourth respondent is Christian by profession and his real name is Sunder Rao and his frather's name is Yohan and he is neither SC nor ST for registering a crime under the Act against the

petitioner and the first respondent through its circular Memo No.10956/Cv.I/97-2 dated 16-2-1998 clarified that the persons who are professing Christianity are not entitled to claim the benefit under SC and ST status.

In view of the same, the respondents have to make an enquiry into the same and file necessary charge sheet, since crimes were already registered under the Act on the complaint made by the fourth respondent. During the course of investigation, if it is brought to the notice of the investigating authority/agency that the fourth respondent is a Christian and cannot claim the benefits under the Act, the same has to be taken into account by the investigating authority. The petitioner is at liberty to produce all such information, which he intends to furnish during the course of investigation and on production of the same, it is for the investigating authority to file charge sheet, if any offence is made out during the course of investigation.

With the above observation, the Writ Petition is accordingly disposed of at the admission stage.

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A. Gopal Reddy, J.

20th September, 2004.
Js.

ASSISTANT REGISTRAR

To
1 The District Collector, State of A.P. Kurnool District
2 Deputy Superintendent of Police, Allagadda Police Station, Kurnool District
3 Mandal Revenue Officer, Chagalamarri Mandal, Kurnool District
4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.
5 2 CD copies.